

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	x
FINEMAN FURNITURE CO. INC. and	:
SEYMOUR FINEMAN, individually,	:
	:
Plaintiffs,	:
	:
-v-	:
	:
PLANNED FURNITURE PROMOTIONS, INC. et	:
al.,	:
	:
Defendants.	:
-----	x

07 Civ. 9749(JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On February 14, 2008, the Court dismissed Count 9 of the Amended Complaint, for Conspiracy to Defraud, without prejudice to plaintiffs filing a Second Amended Complaint solely to add new conspiracy allegations. On February 21, 2008, in a joint telephone conference, counsel for plaintiffs stated that their clients would not file a Second Amended Complaint. Therefore, Count 9 is hereby dismissed with prejudice.

SO ORDERED.

  
JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
February 21, 2008

